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November 14, 2022

VIA ECF

The Honorable John P. Cronan
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Colpitts v. Blue Diamond Growers*, Case No. 1:20-cv-02487-JPC (S.D.N.Y.)

Dear Judge Cronan:

We represent Defendant Blue Diamond Growers (“BDG”) in the above-referenced matter. In accordance with Section 3(B) of Your Honor’s Individual Rules and Practices in Civil Cases (“Individual Rules”), BDG respectfully moves with the consent of Plaintiff Matthew Colpitts (“Plaintiff”) to extend the current deadline for BDG’s forthcoming motion to strike Plaintiff’s untimely expert declaration submitted in support of his opposition to summary judgment (ECF No. 89-1) and the consumer survey contained therein (“Motion to Strike”).

On October 28, 2022, the Court granted BDG’s request for leave to file the Motion to Strike and adjourned the deadline for BDG’s reply in support of its motion for summary judgment *sine die*. (ECF No. 92.) The Court set the following briefing schedule for the Motion to Strike:

- BDG’s Motion to Strike shall be filed by November 18, 2022;
- Plaintiff’s opposition shall be filed by December 9, 2022; and
- BDG’s reply shall be filed by December 16, 2022.

Due to an illness on BDG’s counsel team and in light of the upcoming Thanksgiving holiday, BDG respectfully requests a brief extension of time to file its Motion to Strike. Plaintiff has consented to the extension of time and the parties jointly propose the below revised briefing schedule:

- BDG’s Motion to Strike shall be filed by December 2, 2022;
- Plaintiff’s opposition shall be filed by January 5, 2022; and



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- BDG's reply shall be filed by January 23, 2022.

BDG has not previously asked for an extension of its deadline for the Motion to Strike. BDG appreciates the Court's consideration of this request.

Respectfully,

A handwritten signature in cursive script, appearing to read 'C. Gulliver'.

Colleen Carey Gulliver

The request is granted. Defendant's motion to strike shall be filed by December 2, 2022; Plaintiff's opposition shall be filed by January 5, 2023; and Defendant's reply shall be filed by January 23, 2023. Because Defendant's motion for summary judgment remains pending, no further extensions will be granted absent extraordinary circumstances.

SO ORDERED
Date: November 15, 2022
New York, New York

A handwritten signature in cursive script, appearing to read 'John P. Cronan'.

JOHN P. CRONAN
United States District Judge